

DOMESTIC VIOLENCE
DEFERRED JUDGMENT INFORMATION SHEET

If you have been charged with a crime involving domestic violence, you may be eligible for consideration for the City of Wichita Deferred Judgment Program if:

You have never been convicted of such a crime, or a similar crime in this or any jurisdiction on or after March 1, 1990.

You have never participated in a Diversion or Deferred Judgment Program for a similar offense.

You must apply for Deferred Judgment within 30 days from your initial appearance for a crime involving domestic violence, and pay the \$25.00 non-refundable application fee.

For the purposes of this Deferred Judgment program, a crime involving domestic violence is defined as set forth in Section 1.06.010(e) of the Code of the City of Wichita:

"... crimes involving any harmful contact or the threat thereof between family or household members or unmarried couples, including the destruction of property or the threat thereof as a method of coercion, control, revenge or punishment."

If your application for Deferred Judgment is accepted, you must enter a plea of guilty to the charge(s) against you. The City will then ask the court to defer judgment and sentence on that plea for a period of one year. In return, you must do the following:

1. PAY ALL COSTS, FEES AND FINES:

Fine.....	\$ 100.00
Deferred Judgment Fee.....	\$ 225.00
Application Fee.....	\$ 25.00
Court Costs.....	\$ 70.00
TOTAL	<u>\$ 420.00</u>

You will be responsible for all additional court costs incurred
during the course of your case.

2. Agree to waive your constitutional rights to a formal arraignment, speedy trial and a jury trial on the charges against you.
3. Attend and successfully complete the counseling program set out for you by the Deferred Judgment Officer.
4. Agree to abide by whatever additional conditions the City Attorney or the Deferred Judgment Officer feels appropriate.

Application forms for Deferred Judgment are available in the Municipal Court Clerk's Office – 2nd floor, City Hall, 455 North Main - and must be filed with the same office. At the time you file your application, you will be given a date for a Deferred Judgment evaluation and conference with the Deferred Judgment Officer, as well as a date to appear in court. You MUST attend this conference if you wish to be considered for the program. Failure to attend the conference on time will result in the denial of your application for Deferred Judgment.

In considering whether the defendant should be placed in the Deferred Judgment program, the City Attorney shall consider the following factors:

1. The nature of the crime charged and the circumstances surrounding it;
2. Any special characteristics or circumstances of the defendant;
3. Whether the defendant is a first-time offender and if the defendant has previously participated in any diversion or deferred judgment program in any jurisdiction;
4. Whether there is a probability that the defendant will cooperate with and benefit from the deferred judgment program;
5. Whether the available deferred judgment program is appropriate to the needs of the defendant;
6. Impact of the deferred judgment of the defendant on the community;
7. Recommendations, if any, of the involved law enforcement agency;
8. Recommendations, if any, of the victim;
9. Provisions for restitution;
10. Any mitigating circumstances;
11. Recommendations of the deferred judgment officer;
12. Severity of injuries to victim;
13. Prior psychological, psychiatric and chemical treatments or counseling programs;
14. Criminal history;
15. The interest of justice.

If you successfully complete the Deferred Judgment program, after one year, you may make a motion to the Municipal Court to withdraw your plea of guilty to the charges against you. At that time the City Attorney will dismiss the charges with prejudice. If you fail to complete the requirements of Deferred Judgment or violate any of the terms of the Deferred Judgment agreement, the City Attorney will request a hearing at which time he or she will ask the Court to remove you from the program. If after hearing the evidence, the Court does remove you from the program, the Court will then proceed to impose judgment and sentence against you based upon your prior plea of guilty.

**APPLICATION WILL NOT BE ACCEPTED WITHOUT PAYMENT OF THE
APPLICATION FEE AT THE TIME OF FILING.**

CASE NO. _____

COURT DATE _____

DOCKET NO. _____

DATE ASSIGNED _____

APPLICATION FOR DEFERRED JUDGMENT PROGRAM

ALL ANSWERS MUST BE COMPLETE. TYPE OR PRINT CLEARLY.

1.FULL NAME: _____ TELEPHONE _____

ADDRESS: _____

(Street)

(City)

(State)

(Zip)

LENGTH OF RESIDENCE AT PRESENT ADDRESS: _____

PRESENT LIVING ARRANGEMENTS: _____

2.AGE: _____ 3.DATE OF BIRTH: _____ 4. SEX: _____

5.RACE: _____ 6. PLACE OF BIRTH: _____

7.SOCIAL SECURITY NUMBER: _____

8.MARITAL STATUS: _____ SPOUSE'S NAME _____

SPOUSE'S AGE: _____ SPOUSE'S EMPLOYMENT: _____

9.NUMBER OF DEPENDENTS: _____

NAME

AGE

NAME

AGE

10. EDUCATION:

SCHOOL LOCATION GRADE OR DEGREE

11. VOCATIONAL TRAINING: ____ YES ____ NO TYPE _____

12. MILITARY SERVICE: ____ YES ____ NO BRANCH _____

TYPE OF DISCHARGE: _____ DATE OF DISCHARGE _____

13. NEAREST CONTACT:

NAME: _____ TELEPHONE: _____

ADDRESS: _____

RELATION TO DEFENDANT: _____

14. DEFENSE ATTORNEY:

NAME: _____ TELEPHONE: _____

ADDRESS: _____

15. PRESENT EMPLOYMENT:

EMPLOYER: _____ TELEPHONE: _____

ADDRESS: _____

DATE EMPLOYED: _____ OCCUPATION/TYPE OF WORK: _____

SALARY: _____

16. EMPLOYMENT HISTORY: (Beginning with last previous employer)*

EMPLOYER: _____ TELEPHONE: _____

ADDRESS: _____

DATE EMPLOYED: _____ OCCUPATION/TYPE OF WORK: _____

REASON LEFT: _____

EMPLOYER: _____ TELEPHONE: _____

ADDRESS: _____

DATE EMPLOYED: _____ OCCUPATION/TYPE OF WORK: _____

REASON LEFT: _____

*LIST EMPLOYMENT FOR LAST TWO YEARS - IF EXTRA SPACE NEEDED, ATTACH A BLANK SHEET OF PAPER.

17. PRIOR OFFENSE RECORD: _____ NONE _____ JUVENILE _____ ADULT
CRIMINAL OFFENSE CONVICTIONS, DIVERSIONS, AND/OR DEFERRED JUDGMENTS:

18. DATE OF ARREST FOR PRESENT CHARGE(S): _____

19. Have you ever participated in any kind of psychological, psychiatric or substance abuse counseling or treatment? _____ If yes, state where and date of participation.

20. Are you now, or have you ever participated in any other diversion or deferred judgment program? _____ If so, please state where, the effective date of the program and the charge(s) diverted.

21. Do you have any other charges pending in this city or another city, state, or federal jurisdiction? _____ If yes, please state where and what charge or charges.

22. Is there any divorce, separation, child custody or other domestic action presently pending in District Court or any other court involving you, your spouse or partner, or your dependents?

23. Are there any orders regarding divorce, separation, child custody or other domestic matters on file or in effect in District Court or any other court involving you, your spouse or partner, or your dependents? _____

24. STATE IN YOUR OWN WORDS WHY YOU WERE ARRESTED FOR THIS OFFENSE:

I hereby apply for status as a participant in the deferred judgment program and request that upon my plea of guilty to the charge or charges listed herein, the Municipal Court Judge temporarily defer judgment and sentencing against me in order to permit consideration of this application. I understand that the final decision to request that the Court defer judgment and sentencing in my case rests entirely with the City Attorney. I further understand that by applying for the City's deferred judgment program, that I agree to waive my statutory and constitutional rights to have a speedy trial in this matter.

I authorize the Deferred Judgment Officer to conduct an investigation to determine my suitability for this program. I understand that any information furnished by me or authorized by me to be furnished to the Deferred Judgment Officer in connection with this investigation will be kept confidential.

A false answer to any question in this application may be grounds for recommendation against placement into this program or removal after placement in the program, in which case the City Attorney will request that the Municipal Court Judge enter judgment and sentence against me upon my plea of guilty to the original charge(s).

DATE

APPLICANT